



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

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Brooklyn, New York 11201*

October 30, 2024

BY ECF

Honorable John Milton Younge
United States District Judge
Eastern District of Pennsylvania
15613 Market Street
Philadelphia, Pennsylvania 19106

Re: *Caleb L. McGillvary v. Nicholas Scutari, et al.*,
District of New Jersey - Civil Action No. 23-22605 (JMY)

Dear Judge Younge:

This letter is respectfully submitted on behalf of Defendant Robert Menendez, who is named individually and as a United States Senator, to advise the Court that the Department of Justice has authorized representation for Mr. Menendez, and to request, if necessary, an extension until December 10, 2024, of the date by which Mr. Menendez is to answer or move with respect to the First Amended Complaint.

According to Process Receipt and Return filed on October 11, 2024 (ECF No. 258), Mr. Menendez was served on that date with the "Operative Complaint and Summons." The docket for this case indicates that Mr. Menendez's answer date is November 1, 2024 (*i.e.*, 21 days from service). However, a United States officer or employee who is sued in his individual capacity or in a individual capacity for an act or omission on behalf of the United States has 60 days to serve an answer to a complaint after service. Fed. R. Civ. P. 12(a)(2) & (3). Therefore, Mr. Menendez's response date should be December 10, 2024.

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

s/ Kathleen A. Mahoney
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